

REMARKS

Applicant thanks the Examiner for acknowledging Applicant's claim to foreign priority under 35 U.S.C. § 119(a)-(d), and for confirming that the certified copy of the priority document has been received at the Patent Office.

Claim Objections:

The Examiner has objected to claims 6, 7, 11, 24, 30, 31 and 48 under 37 C.F.R. § 1.75(c) as being in improper dependent form. Specifically, the Examiner asserts that these claims do not further limit the subject matter of the claims from which they depend because their respective independent claims contain the phrase "consists essentially of". Namely, because of the use of the partially closed transitional phrase, the Examiner is asserting that the dependent claims can not add any additional features. Applicant respectfully disagrees.

Applicant submits that the Examiner's statement is incorrect because the transitional phrase used in the claims is "consisting *essentially* of" and not "consisting of." The phrase "consisting of" is a closed transitional phrase which closes off the addition of additional elements. However, the transitional phrase "consisting essentially of" is not a closed transitional phrase. Contrary to the Examiner's assertions, the use of this phrase permits additional limitations and/or elements as long as the added element does not change the fundamental properties of the base composition. In the present instance, Applicant submits that the use of a compatibility enhancing agent does not change the fundamental properties of the claimed composition. Therefore, Applicant submits that the Examiner's assertion is incorrect and hereby requests the Examiner reconsider and withdraw the above objection to the claims.

In any event, Applicant has drafted claims 6 and 30 in independent form for the sake of clarity. Because the above referenced claim amendments have been made to merely clarify the claimed invention, they are not intended to narrow the original scope or spirit of the claims in any way.

Claim Rejections:

Claims 3-7 and 27-31 are all the claims pending in the application, claims 1, 2, 8-26 and 32-50 have been cancelled without prejudice or disclaimer.

Prior Art Rejections:

Applicant has cancelled claims 1, 2, 8-26 and 32-50 without prejudice or disclaimer. Therefore, Applicant submits that the Examiner's prior art rejections are now moot.

35 U.S.C. § 112 2nd Paragraph Rejection - Claims 6, 7 and 30, 31:

Claims 6, 7, and 30, 31 stand rejected under 35 U.S.C. § 112, 2nd paragraph as being indefinite. Specifically, these claims have been rejected for essentially the same reasons as those set forth above regarding the claim objections. (See the discussion above). Therefore, in view of Applicant's comments above and the fact that claims 6 and 30 have been drafted independent form, Applicant hereby submits that the remaining claims are clear and definite to those of ordinary skill in the art. Accordingly, Applicant hereby requests the Examiner reconsider and withdraw the above 35 U.S.C. § 112, 2nd paragraph rejection.

As the above claims were not rejected under any prior art references, and because Applicant has traversed the remaining objection and rejection of these claims, Applicant submits that these claims are now in condition for allowance.

AMENDMENT UNDER 37 C.F.R. §1.116
Application Number 09/988,283

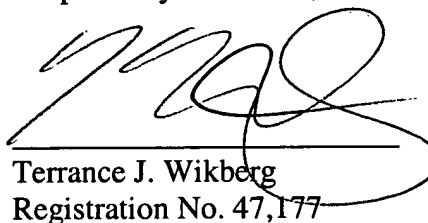
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Conclusion:

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

Respectfully submitted,



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